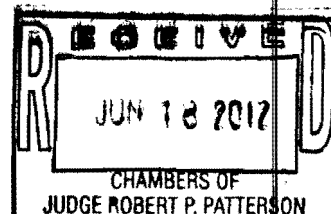




U.S. Department of Justice

United States Attorney
Southern District of New York**MEMO ENDORSED**The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

June 18, 2012

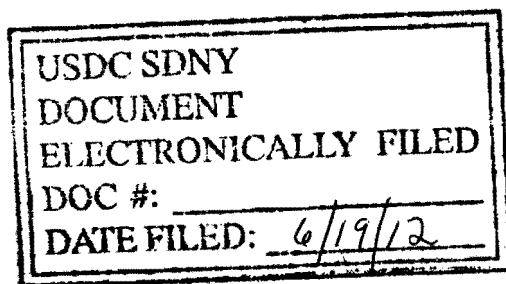


By Facsimile

Honorable Robert P. Patterson
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007Re: United States v. Kyle Harris, 11 Cr. 92 (RPP)

Dear Judge Patterson:

A sentencing in the above-referenced case is scheduled for June 25, 2012. The Government writes to respectfully request that the Court adjourn the sentencing because the parties have a factual dispute concerning information in the Pre-Sentence Report. The Government further respectfully requests that the Court schedule a *Fatico* hearing prior to the sentencing proceeding to resolve this factual dispute. Specifically, the defendant disputes paragraphs 13 and 14 of the Pre-Sentence Investigation Report prepared by the United States Probation Office (the "PSR"), which state that the defendant brought the firearm to the robbery and brandished the firearm at the victim of the robbery.¹



*Application granted
The Fatico Hearing will be held
on September 6 2012 at 10 AM
as a result
Robert Patterson
USDC
6/19/12*

¹The PSR refers to the robbers as "Robber #1" and "Robber #2." Robber #1 is Kyle Harris and Robber #2 is Harris's co-conspirator, Tarail Gabrell. Paragraph 15 of the PSR confirms this, noting that "Robber #1" used the decorative sword to threaten the victim, and that the DNA recovered from the sword matched Kyle Harris's DNA.

Hon. Robert P. Patterson

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The Government consulted with defense counsel, and the parties propose the *Fatico* hearing be scheduled for August 15, 16, or 17, 2012. If these dates are inconvenient to the Court, however, the parties respectfully request a date in mid-September.

Respectfully submitted,

PREET BHARARA
United States Attorney

By: 

Parvin Moyne/Todd Blanche
Assistant United States Attorneys
(212) 637-2510/2494

cc: Andrew Ceresney, Esq. (By E-mail)